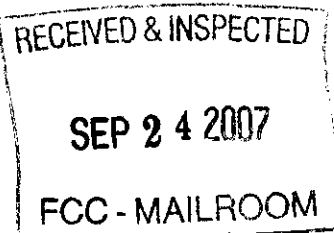
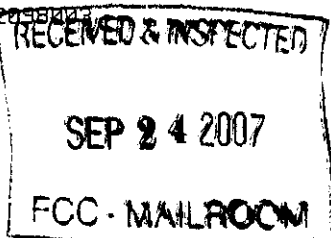


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From: 6512098002
Media: Fax 12 pages
Subject:
Status:
Received: 01:20 PM 09/22/07



**Hmong Academy**
Charter School

1515 Brewster St., Saint Paul, Minnesota 55108

Office: (651) 209-8002 . Fax: (651) 209-8003

Date: September 22, 2007
To: Marlene Dortch, Secretary
Company Name: Federal Communications Commission
Fax Number: 202-418-0187
Subject: Request for Review - Billed Entity # 16020979

From: Sonya Klimek
of pages (including cover sheet): 12
Direct Number: 651-332-8565
Electronic Mail: sklimek@hmongacademy.org

Please find the enclosed FAX for Funding year 2006-07 Appeal for Billed Entity # 16020979 CC Docket #02-6.

Should any pages be missing, please contact Sonya Klimek immediately.

Thank you.

Number of Copies rec'd
ABCDE 0

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Hmong Academy

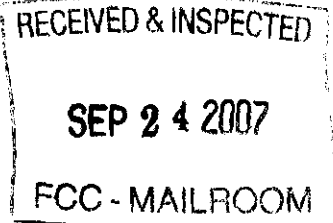
Charter School

1515 Brewster St., Saint Paul, Minnesota 55108

Office: (651) 209-8002 . Fax: (651) 209-8003

September 20, 2007

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743



Funding Year 2006-2007 Appeal for Billed Entity Number 16020979
CC Docket No. 02-6 - Request for Review

Dear Ms. Dortch:

I am writing on behalf of Hmong Academy, located at 1515 Brewster St., St. Paul, MN 55108 to appeal an application decision that appears to be in error. My appeal relates to the following:

Billed Entity Applicant Name: Hmong Academy
Funding Request Number: 1409278
Form 471 Application Number: 512377
Contact Name: Christianna Hang
Contact Phone Number: 651/209-8002
Contact Fax Number: 651/209-8003
Contact E-mail: chang@hmongacademy.org

The reason given for the above denial is that "Documentation provided demonstrates that the price of eligible products and services was not the primary factor in selecting the winning bidder."

In support of this appeal, I enclose the following:

Photocopy of denied Funding Commitment Decision letter dated 04/17/2007.
Photocopy of USAC denial letter dated 07/23/2007.
Photocopy of Bid Evaluation Sheet
Photocopy of the email response to Gary Carlson/SLD Reviewer dated 01/4/07

Please find attached a copy of the Bid Evaluation Sheet for FRN #1409278. As is clearly marked on the Evaluation Sheet, price was definitely demonstrated to be the primary factor in selecting CDW-G as the winning bidder. The Cost factor is circled on the evaluation sheet and CDW-G was rated a five (5) whereas the other two vendors were rated much lower. Response #2 shows Hmong Academy's response to Gary's question regarding bids/vendor selection. Hmong Academy's response was "Each factor was weighted equally; however, we found that CDW-G's bid of \$150,277.45 was the lowest and met our budget allocation." This statement was issued by Sonya Klimek who, at that time, was a new employee at Hmong Academy and

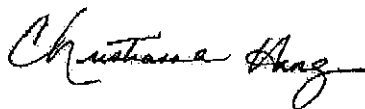
No. of Copies rec'd
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was not completely familiar with the E-Rate evaluation process. Although this statement was made, cost was definitely the primary factor in determining which service provider was awarded the bid. Hmong Academy has always followed this procedure in choosing their service providers. Please reverse the decision to a "Funded" for this FRN as it was filed correctly and does follow the rule of choosing the lowest cost service provider.

It is extremely important and vital to the financial health of Hmong Academy to receive E-Rate funds to successfully continue their Charter School. Without the continuation of funds, at a 90% discount, Hmong Academy and its students will suffer substantial financial difficulties.

Thank you for your attention to this matter.

A handwritten signature in black ink, appearing to read "Christianna Hang". The signature is fluid and cursive, with a long horizontal stroke at the end.

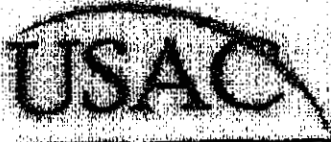
Christianna Hang
President/School Director

08/09/2007 10:57

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HMONG ACADEMY

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Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2006-2007

July 23, 2007

Christiana Heng
Hmong Academy
1515 Brewster Street
St Paul, MN 55108

Re: Applicant Name: HMONG ACADEMY
Billed Entity Number: 1402079
Form 471 Application Number: 512377
Funding Request Number(s): 1409278
Your Correspondence Dated: June 13, 2007

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2006 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1409278
Decision on Appeal: ~~Denial~~
Explanation:

- Review of the appeal letter and all supporting documentation shows that CDW-G received the highest score for Cost, however the documentation supplied during the Selective Review process stated that all factors were weighted equally. In your appeal letter, you re-state that all factors were weighed equally. This does not support that price was the primary factor as per program rules. The price of eligible products and services must be the primary factor among bids, and cannot be weighted equally with other factors.
- FCC Rules require that applicants select the most cost-effective products and/or services offering with price being the primary factor. Applicants may take other factors into consideration, but in selecting the winning bid, price must be given more weight than any other single factor. 47 C.F.R. sec. 54.511(a). Request for

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HMONG ACADEMY

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Review by Ysleta Independent School District, et. al., Federal State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., CC Docket Nos. 96-45, 97-21, Order, 18 FCC Red 26407, 26429, FCC 03-313 para 50 (rel. Dec. 8, 2003). Ineligible products and services may not be factored into the cost-effective evaluation. See Common Carrier Bureau Reiterates Services Eligible for Discounts to Schools and Libraries, CC Docket No. 96-45, Public Notice, 13 FCC Red 16370, DA 98-1110 (rel. Jan. 11, 1998).

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or expedited, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company



USAC

United States Accountability Council

Helping People Achieve Their Goals

Schools & Libraries – Competitive Bidding Process

The competitive bidding process begins when an applicant posts the Form 470 to the USAC website and/or issues an RFP. The applicant must then wait 28 days after the Form 470 is posted or an RFP is issued (whichever is later) before selecting a service provider, ordering services and/or executing a contract.

Conduct an open, fair competitive bidding process

- "Open" means that there are no secrets in the process and that all bidders have equal access to the same information.
- "Fair" means that all bidders are treated the same and that no bidder has privileged knowledge over the contents of the Request for Proposal (RFP) or the Form 470.

Service provider involvement in the competitive bidding process

- Service provider involvement in the preparation or certification of the Form 470 or the vendor selection can taint the competitive bidding process and result in denial.
- Applicants cannot turn over their responsibility for ensuring a fair and open competitive bidding process to a service provider or a consultant acting on behalf of a service provider. Only applicants or authorized representatives can prepare, sign and submit (i.e., post to the website or file on paper) the Form 470 and certification.
- Listing a service provider representative as the Form 470 contact person and allowing the same service provider to participate in the competitive bidding process is a violation of FCC rules and will result in denial of funding.
- Service providers who bid on services must not participate in the evaluation process.

Select the winning bid

- Price of the eligible products and services must be the primary factor and given more weight than any other category when evaluating bids. It does not have to be the sole factor. Examples of relevant factors include: prior experience, personnel qualifications, management capability, environmental objectives, and the cost of ineligible goods and services.
- The selected bid must be cost-effective in comparison to prices available commercially. If you receive only one bid, it is not necessarily cost-effective.

Retain all documents for a period of five years from the last date of service

- This includes:
 - Request For Proposal (RFP), with evidence of publication date
 - Bid evaluation matrix, criteria and weighting
 - Bid evaluation worksheets
 - All written correspondence with the service providers
 - All bids submitted, both winning and losing
 - Other documentation related to service provider selection

For additional information, please use the USAC resources listed below:

28 Day Bidding Period:	http://www.usac.org/applicants/28-day-bidding-period.asp
Competitive Process:	http://www.usac.org/applicants/step3
Open & Fair Bidding:	http://www.usac.org/applicants/step3/open-and-fair-bidding.asp
Selecting Service Provider:	http://www.usac.org/applicants/step3

FUNDING COMMITMENT REPORT
Billed Entity Name: HMONG ACADEMY
BSN: 16030979
Funding Year: 2006

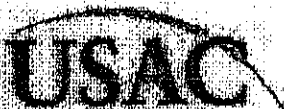
Form 470 Application Number: 512377
Funding Request Number: 1409279
Funding Status: ~~Approved~~
Category of Service: Internal Connections
Form 470 Application Number: 594450009552096
SPIN: 143005588
Service Provider Name: CDW-G
Contract Number: 2719888
Billing Account Number: N/A
Service Start Date: 07/01/2006
Contract Expiration Date: 06/30/2007
Site Identifier: 16030979
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$ 0.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$150,277.43
Pre-discount Amount: \$150,277.43
Discount Percentage Approved by the USAC: N/A
Funding Commitment Decision: \$0.00 - Selective - Bidding Violation
Funding Commitment Decision Explanation: ~~Contract was approved as submitted~~
~~The contract was approved as submitted and the funding was approved as submitted.~~

Approved
4/12/07

ECOL Date: 04/17/2007
Wave Number: 048
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 02/20/2008

Funding Request Number: 141262
Funding Status: ~~Approved~~
Category of Service: Internal Connections
Form 470 Application Number: 594450009552096
SPIN: 143005735
Service Provider Name: Teletak
Contract Number: 14404163
Billing Account Number: N/A
Service Start Date: 07/01/2006
Contract Expiration Date: 06/30/2007
Site Identifier: 16030979
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$ 0.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$5,054.51
Pre-discount Amount: \$5,054.51
Discount Percentage Approved by the USAC: 90%
Funding Commitment Decision: \$4,549.06 - FPN approved as submitted

ECOL Date: 04/17/2007
Wave Number: 048
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 02/20/2008



Universal Service Administrative Company
Schools & Libraries Division

FUNDING COMMITMENT DECISION LETTER
(Funding Year 2006: 01/01/2006 - 06/30/2007)

April 17, 2007

Christiana Heng
HMONG ACADEMY
1300 OLSON MEMORIAL HIGHWAY
SUITE 2
MINNEAPOLIS, MN 55411

Re: Form 471 Application Number: 512377
Billed Entity Number (BEN): 18920979
Billed Entity POC RT: 4011340125
Applicant's Form Identifier: HMONG-02

Thank you for your Funding Year 2006 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$4,549.06 is "Approved."
- The amount, \$135,249.71 is "Denied."

Please refer to the Report on the page following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file Form 436 (Receipt of Service Confirmation Form), a guide that provides a definition for each item of the Report precedes the Report.

A list of Important Reminders and Deadlines is included with this letter to assist you throughout the application process.

NEXT STEPS

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA requirements
- File Form 436
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity) as products and services are being delivered and billed

TO APPEAL THIS DECISION:

If you wish to appeal a decision in this letter, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
 - Appellant name.
 - Applicant name and service provider name, if different from appellant.
 - Applicant BEN and Service Provider Identification Number (SPIN).
 - Form 471 Application Number 512377 as assigned by USAC.
 - "Funding Commitment Decision Letter for Funding Year 2006," AND

IMPORTANT REMINDERS & DEADLINES

Form 491 Application Number: 512277
Billed Entity Number: 15020374
Name of Billed Entity: HMONG ACADEMY

YOUR NEXT STEPS IN THE APPLICATION PROCESS: Following are steps to assist you through the application process. Web page URLs are included to facilitate access to additional information on USAC's website.

REVIEW TECHNOLOGY PLANNING REQUIREMENTS - Program rules require a technology plan based on an assessment of needs and that those plans be approved before the start of services. See "Develop a Technology Plan" at <http://www.usac.org/si/applicants/steps/> for information about technology plan requirements and approvals.

REVIEW CHILDREN'S INTERNET PROTECTION ACT (CIPA) REQUIREMENTS - CIPA compliance is required for requests for Internet access, Internet connections and broadband discounts. For information about CIPA requirements and certifications, see "Children's Internet Protection Act (CIPA)" at <http://www.usac.org/si/applicants/steps/cipa.aspx> for information about CIPA and its requirements.

FILE FORM 486 - You must notify USAC of the start of service, the name of your USAC-certified technology plan approver and your compliance with CIPA on Form 486. See "Begin Receipt of Services" on our website at <http://www.usac.org/si/applicants/steps/10/>.

FORM 486 DEADLINE - The Form 486 must be submitted no later than 120 days after the Service Start Date featured in the Form 486 Notification Letter or no later than 120 days after the date of the Funding Commitment Decision Letter, whichever is later. Use the "Deadlines" calculator on our website at <http://www.usac.org/si/about/deadlines> to calculate your Form 486 deadline.

INVOICE USAC - After eligible services have been delivered, invoice USAC to request reimbursement of approved discounts. For information about requesting reimbursement from USAC, see "Invoice USAC" on our website at <http://www.usac.org/si/applicants/steps/11/>.

INVOICE DEADLINE - Invoices must be submitted no later than 120 days after the last date to receive service - including extensions - or 120 days after the date of the Form 486 Notification Letter, whichever is later. Use the "Deadlines" calculator on our website at <http://www.usac.org/si/about/deadlines> to calculate your invoice deadline.

DOCUMENT RETENTION - Documents related to the receipt of discounts must be retained for at least five years after the last day of service delivered. For more information, see "Document Retention Requirements" on our website at <http://www.usac.org/si/about/document-retention-requirements/default.aspx>.

OBLIGATION TO PAY NON-DISCOUNT PORTION/FREE SERVICES ADVISORY - Applicants are required to pay the non-discount portion of the cost of the products and/or services. Service providers are required to bill applicants for the non-discount portion. For further information, see "Obligation to Pay Non-Discount Portion" on our website at <http://www.usac.org/si/applicants/steps/11/obligation-to-pay-non-discount-portion.aspx> or "Free Services Advisory" at <http://www.usac.org/si/applicants/steps/11/free-services-advisory.aspx>.

SUSPENSION AND DEBARMENT - Persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the Schools and Libraries Program are subject to suspension and debarment from the program. More information and a current list of persons who have been suspended or debarred is posted in "Suspensions and Debarments" on our website at <http://www.usac.org/si/about/suspensions-debarments.aspx>.

COMPLETE PROGRAM INFORMATION - including more information on these reminders - is posted to the Schools and Libraries area of USAC's website at www.usac.org/si. You may also contact our Client Service Bureau using the "Submit a Question" link on our website, toll-free by fax at 1-888-276-6736 or toll-free by phone at 1-888-209-5100.

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HMONG ACADEMY

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Response to 1/4/07 email.

1) I do not find the completed "SRIR Certification" form attached to the 12/16/06 response. I have attached the original response copy you sent us back on 5/19/06 and notice you did not mark either of the 2 boxes (ie if an Educational Service Agency or not) found under the section stating "I certify that the Billed Entity" which is found just above the Authorized Signer's Signature box.

- Please provide this completed form ASAP.

Completed and FAXED 1/8/07. Confirmation of receipt received via EMAIL.

2) In your response to my FQ #3 on "Bids/Vendor Selection" for FRN 1403298 (CDW-G) you stated 3 Bid Responses (CDW-G, Loffler, and Banker) were received. You also stated "The primary factors for selecting our vendor/contracts were" ... and listed several (6) factors and you stated "We weighed the factors against a total score".

- Please explain if each factor was weighted equally or weighted differently.

Each factor was weighted equally. However, we noted that CDW-G was the lowest bidder and met our budget allocation.

3) In your response to my FQ #3 on "Bids/Vendor Selection" for FRN 1412164 (EmailScout) you stated 2 Bid Responses (CDW-G, and EmailScout) were received. You stated "EmailScout was unable to provide a quote to meet the needs of our district". Your original SRIR response dated 5/19/06 provided two pages representing their bid but it appears they only provided interest in providing you an annual bid? From what you provided, it seems they did not actually provide a Bid Response? Did you actually receive one Bid Response from CDW-G and one interest in bidding from EmailScout?

- Please explain further why EmailScout "was unable to provide a quote"?

EmailScout did provide interest in providing HA a bid for service, however did not provide a Bid Response. Upon further investigation, EmailScout was unable to provide a quote because the company provides an email filtering system and not INFRASTRUCTURE support.

4) In your response to my FQ #2 on "Bids/Vendor Selection" for FRN 1404513-1404514-1404515 (Integra Telecom) you stated 1 Bid Response was received but the "TDS Request Summary" copy (Srv Provider: Integra) you provided in the original SRIR response dated 5/19/06 does not appear to support any of these requested services and/or funding amounts?

- Please provide "Integra Telecom" Bid Response copies for each of these FRNs.

There was no new bid from Integra Telecom because HA already had a 3-year contract. At the same time we were trying to make a change to TDS, HA found that the fine to get out of the three-year contract would be too much (over \$10K). Therefore, HA decided to stay with Integra and finish out our three-year contract.

See Attached for original Integra BID RESPONSE.

5) In your response to my FQ #3 on "Bids/Vendor Selection" for FRN 1404515 (Nextel) you stated 1 Bid Response was received and no Bid Response copy was provided from Nextel in your original SRIR response dated 5/19/06?

- Please provide a "Nextel" Bid Response copy for this FRN.

See Attached for Nextel Sprint BID RESPONSE.

09/16/2007 12:01 6512098003

HMONG ACADEMY

PAGE 09/11

Q) In your response to my FQ #3 on "Bids/Vendor Selection" for FHM 1404513, 1404514, 1404515 (Integra Telecom) & 1404516 (Nextel) you stated "HA is in a three-year contract with the company" and "The contract ends 6/30/08".

Please provide signed and dated Contract (Integra Telecom & Nextel) copies supporting each FQ.

Integra's 3-year contract ends 6/30/07.

See attached for Nextel/Sprint and Integra contracts.

